



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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November 16, 2010

**TECHNICAL STAFF REPORT**

*Petition Accepted on September 28, 2010*

*Hearing Examiner Hearing of November 29, 2010*

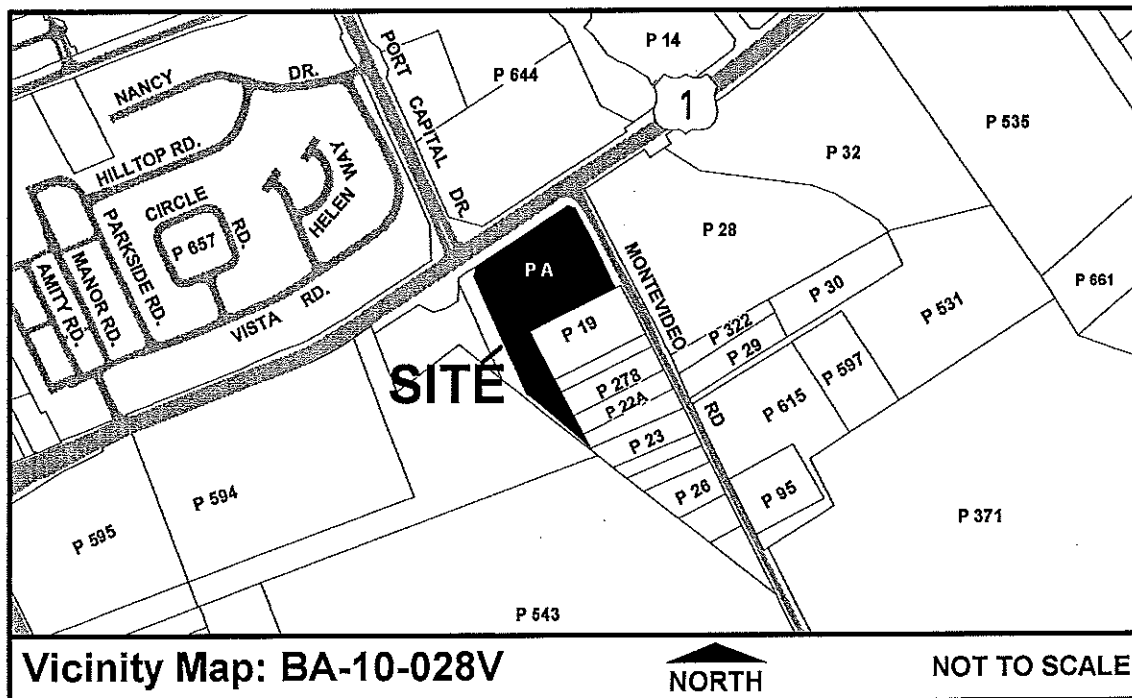
**Case No./Petitioner:** BA-10-028V Montevideo-MIT Holdings, LLC

**Request:** Variances to reduce the parking setback from external public street right-of-ways from 40 feet to a minimum of 16 feet (Section 123.D.2.a.)

**Location:** First Election District  
Southwest quadrant of intersection of US 1 and Montevideo Road  
Tax Map 43, Grid 10, Parcel A; 7705 US 1 (Washington Boulevard) (the "Property" or "Site")

**Area of Site:** 4.04 acres

**Zoning:** CE (Corridor Employment)



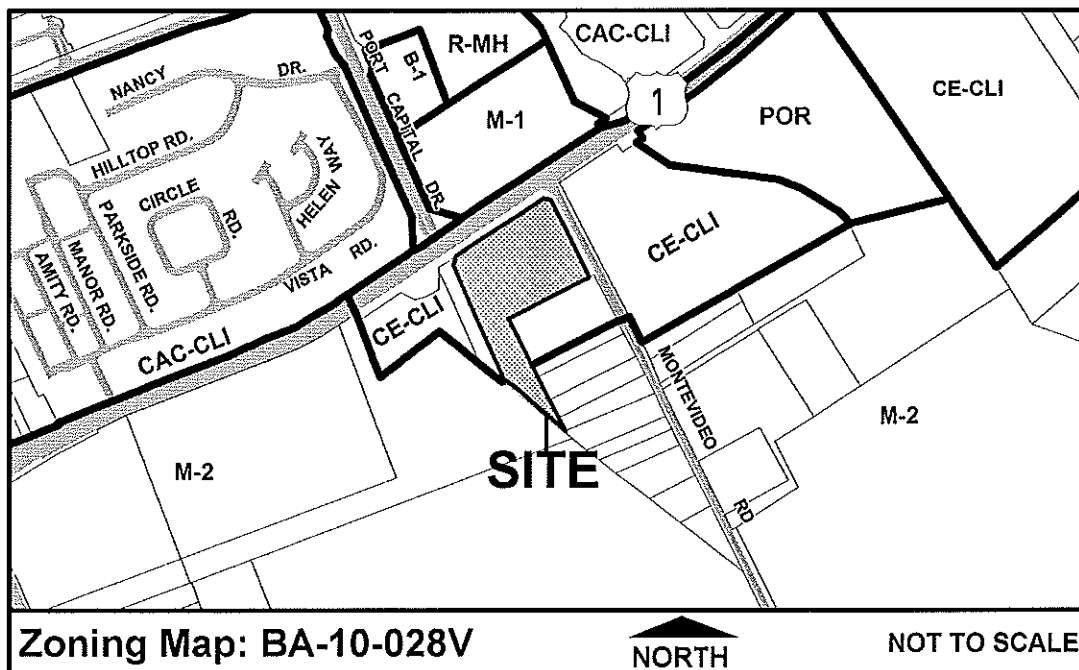
I. VARIANCE PROPOSAL

Under the proposal, the existing Three Nines Tavern and all other structures on the Property would be demolished. The Petitioner proposes to construct two, two-story buildings primarily comprising offices on the Property oriented generally parallel to US 1. Each building would be approximately 170 feet by 70 feet.

Proposed Building A would comprise approximately 25,692 square feet (12,846 square feet per floor) and would be located in the northwesterly portion of the Site. This building would contain office and retail space with a 4,500 square foot restaurant and associated drive-through located on the westernmost end of the building.

Proposed Building B would comprise approximately 25,892 square feet (12,946 square feet per floor) and would be located in the northeasterly portion of the Site. This building would contain office and retail space with a 3,000 square foot bank and associated drive-through located on the easternmost end of the building.

Under the proposal there will be two access points to the Site. Existing Montevideo Road will be realigned to the west side of the Site opposite existing Port Capital Drive and initially, access will be via existing Montevideo Road on the east side of the Site. During construction on the Property, under a Special Road Agreement with Howard County, the developer will construct a portion of realigned Montevideo Road on the Site's west side and future access will also be from this point. In the future, the remainder of the road will be completed by Howard County and will connect with existing Montevideo Road in an area to the south (rear) of the Site. The two access drives will lead to drive through lanes and parking spaces for the restaurant on the west side and the bank on the east side. There is no proposed access directly from the Site to US 1.



PETITIONER: Montevideo-MIT Holdings, LLC

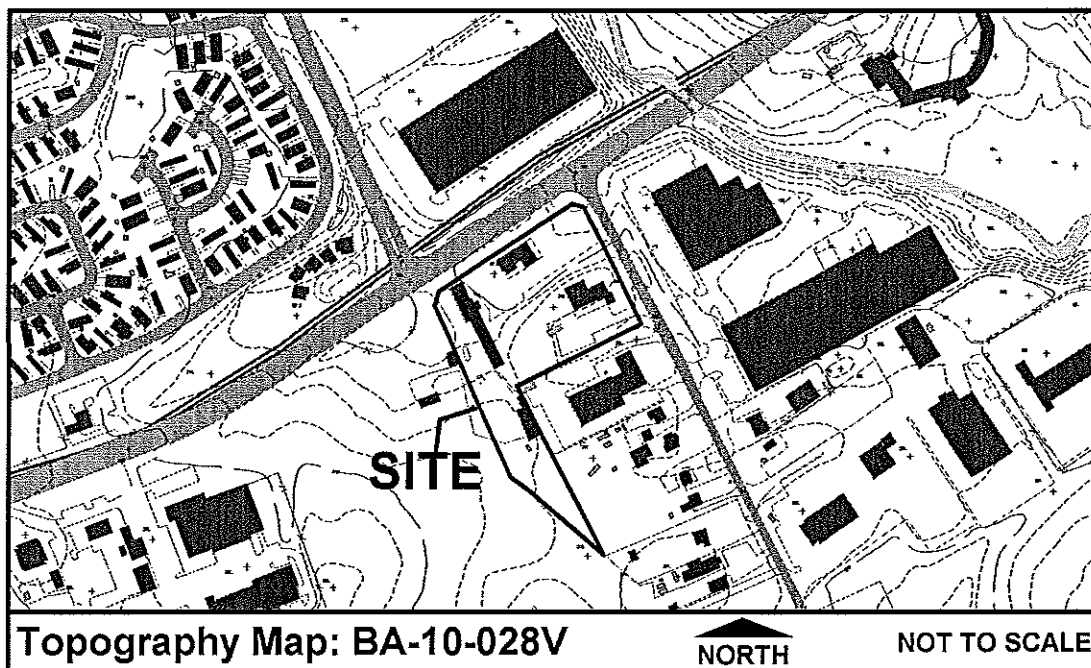
The CE zoning district requires a 40 foot parking setback from an external public street right-of-way. Although the Petitioner requested a reduction of the 20 foot structure and use setback to 16 feet for the drive through lanes, this setback is not applicable because stacking/drive through lanes are included in the definition of parking area (Section 103.A.137.) and are therefore subject to the 40 foot setback. The Petitioner requests a reduction of the 40 foot setback to 32 feet for parking spaces on the west side of the Site and to 16 feet for drive through lanes on the east and west sides of the Site.

The Petitioner explains that subsequent to the purchase of the original 7.59 acre lot, a portion was purchased by the Howard County Department of Public Works for the purpose of realigning Montevideo Road and constructing a new County fire station. The proposed development would have been accommodated on the original 7.59 acre lot without variances; however, due to the reduced lot size and the requirement for an increased setback amount from an external road right-of-way for the realignment of Montevideo Road, variances are now needed. The petition states that requirements of the Route 1 Manual that parking be located to the rear of buildings instead of around building perimeters as is typical for commercial developments cannot be complied with due to the lot's narrowness, shallowness and irregular shape.

## II. BACKGROUND INFORMATION

### A. Site Description

The main portion of the 4.04 acre Property fronting approximately 410 feet on US 1 is generally rectangular in shape; an elongated narrow portion extends southwest of the main portion of the Site. The Property is improved with the Three Nines Tavern building located in the front central portion of the Site. To the rear of this structure is a stand of woods. A small commercial building and associated parking are located to the rear of the woods. A motel building is located to the west of the tavern building. The front area of the Site around the tavern building is paved and access along the US 1 frontage is primarily open except for several small median islands.



B. Vicinal Properties

Adjoining properties on the south side of US 1 are zoned CE-CLI. Parcel 28 to the northeast across Montevideo Road is improved with two multi-story office/warehouse buildings. Parcel C, the adjoining parcel on the west side of the Property is reserved for the future dedication to the right-of-way of realigned Montevideo Road (Record Plat 20994). To the rear of the CE-CLI zoned properties, parcels are zoned M-2.

Across US 1 to the north: On the east side of Port Capital Drive is the M-1 zoned approximately 6.4 acre Lot 1 of the Port Capital Center subdivision which is improved with a large commercial building. On the west side of Port Capital Drive, properties are zoned CAC-CLI. Several single family detached dwellings are situated in the northwest quadrant of the intersection of US 1 and Port Capital Drive. Parcel 657 is the future site of the Howard Square subdivision comprising townhouses and commercial space (the majority of the mobile homes depicted on the Topography Map have been removed; however, GIS records do not yet reflect current conditions).

C. Roads

US 1 has two eastbound travel lanes, two westbound travel lanes and a center turning lane within a 134 foot ultimate right-of-way.

There is estimated sight distance of approximately 200 feet to US 1 to the north from each driveway entrance on Montevideo Road. It appears visibility would be acceptable. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however.

According to data from the Department of Public Works, the traffic volume on US 1 north of Guilford Road was 21,992 AADT (average annual daily trips) as of 2009.

D. Water and Sewer Service

The Property is within the Metropolitan District and is within the Existing Service Area of the Howard County Water and Sewerage Master Plan according to the Howard County Geographic Information System maps.

The site is served by public water and sewer.

E. General Plan

The Property is designated Employment/Redevelopment Corridor on the Policies Map 2000-2020 of the 2000 General Plan.

US 1 in the vicinity of the Property is classified as an Intermediate Arterial/Transit/HOV Corridor on the Transportation Map 2000-2020 of the 2000 General Plan. Existing Montevideo Road is classified as a Minor Arterial on the same map.

F. Agency Comments

The following agencies had no objections to the proposal:

1. Department of Recreation and Parks
2. Department of Inspections, Licenses and Permits
3. State Highway Administration
4. Howard County Health Department

III. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 130.B.2.a of the Zoning Regulations (general criteria for evaluating variances):

1. The Petitioner requests variances to reduce the required 40 foot parking setbacks to a minimum of 16 feet based on the lot's irregular shape, narrowness and shallowness, the impact of required setbacks from external street rights-of-way and the Route 1 Manual requirement that parking be located in the interior of the Site. The Petitioner explains that the existing lot is significantly smaller in size than the original lot on which the development scenario was anticipated to be accommodated due to the acquisition of a portion of the lot by Howard County for a road realignment and the construction of a fire station. The Petitioner states that these factors constitute unique physical conditions which prevent the reasonable use of the Property because the Site could not accommodate the required number of parking spaces in the configuration required by the Route 1 Manual to support the proposed development without variances.

The lot is shallower than several CE-CLI zoned properties on the south side of US 1 and except for several small M-2 zoned lots on the west side of Montevideo Road, the lot is smaller and shallower than most other commercially zoned vicinal properties. The comparatively small size and shallowness of the lot and the requirement for 40 foot parking setbacks on two sides of the Property due to an increased setback requirement of the future Montevideo Road right-of-way are unique physical conditions peculiar to the particular lot, and as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the parking setbacks from external roads.

(The plan's Site Analysis Tabulation indicates an amount of retail space which in combination with the bank and restaurant uses appears to exceed the 20 percent cumulative maximum permitted by the zoning district for these uses. The Petitioner must address this at the Site Development Plan stage; however, any reduced number of parking spaces which may result from changes would be minimal and would not affect the Evaluation and Conclusions of this section of the Technical Staff Report.)

2. The variances, if granted will not alter the essential character of vicinal properties, as the uses of developed vicinal properties are of similar or higher intensity than the proposed operation on the Property. The variances, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent properties; and will not be detrimental to the public welfare.

3. The encroachments into the setbacks are due to the relatively small size and shallowness of the lot and the unique physical conditions described above. The practical difficulties or hardships have not been directly created by the Petitioner.
4. The requested variances are the minimum necessary to afford relief to the Petitioner.

#### IV. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the requested variances from Section 123.D.2.a. to reduce the 40 foot parking setback from an external public street right-of-way to 32 feet for parking on the west side of the Site and to 16 feet for drive through lanes on the east and west sides of the Site be **APPROVED** subject to the following condition:

1. The variances shall apply only to the reductions in setbacks as described in the petition and as depicted on the Variance Plan submitted on September 28, 2010, and as may be revised by the Hearing Examiner, and not to any other activities, uses, or structures on the Property.

  
Marsha McLaughlin, Director

11/17/10  
Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

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